

Decks & Patio/Trellis Covers

This handout discusses raised wood decks and patio or trellis covers accessory to single family residences within R-1-8 or R-1-5 residential zones or for lots less than 6,000 square foot within Planned Development zones. A patio involving only on-grade paving (concrete, stone, tile, etc.) is not regulated provided the grading nor lot drainage is altered.

For other occupancies or zoning districts contact the Planning Division to determine setbacks and size limitations. The Planning Division can be contacted by calling (408) 277-4576, between 9:00 a.m. and 5:00 p.m.

BUILDING PERMIT APPLICABILITY

DECKS

A Building Permit is not required for decks less than 30" above grade whether attached or detached to the residence. Decks more than 30" above grade require Building Permits.

PATIO COVERS

Detached patio covers that are less than 120 square feet of projected area do not require Building Permits when detached from the residence by at least 6 feet. Detached patio covers that are 120 square feet or larger and attached covers of any size require permits.

Note: Decks, patio or trellis covers, regardless of permit requirements, must be built in conformance to the requirements of the Uniform Building Code and the Zoning Ordinance.

GENERAL SETBACK REQUIREMENTS

DECKS

1. Rear yard decks over 30" above grade (whether attached or detached) must meet the setbacks of the building to which it is accessory. These setbacks vary by Zoning District, but are generally five (5) feet from side property lines and fifteen (15) feet from the rear property line within R-1-8 or R-1-5 Zoning Districts.
2. Rear yard decks that are less than 30" high are limited to 1,000 square feet in size and must remain at least 5 feet from the property lines.
3. Decks in side yards cannot exceed 24" above grade.
Note: A deck in a required side setback must serve as a door landing or a ramp that serves as an exit for the purpose of assisting disabled individuals. Otherwise, decks are not allowed in a side setback.
4. Decks are not allowed in the front setback.
5. Unenclosed porches and stairways, if they do not extend more than three feet above surface grade, may extend into a front setback area not more than five (5') feet. Front porches can be covered.

PATIO COVERS & TRELLISES

6. Attached patio covers and trellis that meet the setbacks of the main structure, are not limited in size. Detached patio covers and trellises within the rear yard that do not conform to the setbacks of the main structure can not exceed two hundred (200) square feet nor be built closer than 3' of property lines.
7. Detached patio covers and trellises must be at least 6' from the main structure, as well as other accessory structures and 60' minimum from the front property line. On corner lots, maintain 25' from the side property line and 4' minimum from the rear property line.
8. Without the issuance of a Special Use Permit the following limits apply. The maximum individual size of an accessory building or structure is two hundred (200) square feet. The total aggregate square footage of all accessory buildings and structures can not exceed six hundred fifty (650) square feet. The cumulative total of rear yard covered by all accessory buildings and structure (not including built in swimming pools) shall not exceed 40%.

6. GENERAL BUILDING CODE REQUIREMENTS**DECKS**

1. Decks over 30" high need minimum 36" high guardrails. The guardrail must be able to contain a 4" sphere.
2. At least one handrail is required for stairs. Exemption: Stairs containing less than four risers, serving single family houses, do not require handrails.
3. Generally, exposed wood used in the construction of decks must be treated wood or wood of natural resistance to decay.
4. Decks allowed in side yards that are within three feet of a property line must have the sides along the property lines constructed to provide 1-hour protection from the ground to the deck surface. Note: 6x beams are considered one hour equivalent.

ROOF / TRELLIS COVERS

1. Detached roof or trellis covers more than 120 square feet in area must be kept a minimum three feet from property lines or be provided with firewalls. Detached covers 120 square feet or less may be closer than three feet to the property line without protection.

PRELIMINARY REVIEW

A preliminary review of your project is available by bringing a site plan to the Building Division for review by a permit technician. An appointment is required for a site review and appointments may be scheduled by calling (408) 277-4541

Additional information can be obtained by visiting our website at www.ci.san-jose.ca.us/building/ or by calling our Information Inspector's voice mail at (408) 277-2470 and leaving a detailed message. In addition you may visit the Building Division in City Hall at 801 N. 1st Street, Room 200. Our hours are 9:00 a.m. to 4:00 p.m. with limited service between 12:00 p.m. and 1:00 p.m.